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Message Text

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15
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APPROVED BY EA:RHMILLER
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FM SECSTATE WASHDC
TO AMEMBASSY VIENTIANE
INFO AMEMBASSY BANGKOK

C O N F I D E N T I A L STATE 020976

LIMDIS

E.O. 11652, GDS

TAGS:PFOR, EGEN, LA, US

SUBJECT: LEGAL AND REGULATORY EFFECTS OF CHANGE OF GOVERNMENT IN LAOS

REF: VIENTIANE 6357

1. IN THE LIGHT OF THE DECEMBER 4 DISESTABLISHMENT OF THE COALITION GOVERNMENT AND FORTHRIGHT ASSUMPTION OF POWER BY THE PATHET LAO, DEPARTMENT HAS DETERMINED THAT:

(A) THE TARIFF SCHEDULES WHICH DENY MOST FAVORED NATION (MFN) TREATMENT TO 'ANY PART OF LAOS, CAMBODIA OR VIET-NAM
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WHICH MAY BE UNDER COMMUNIST DOMINATION OR CONTROL' REQUIRE

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THAT LAOS NOW BE TAKEN OFF THE MFN SCHEDULE ALTOGETHER, AND,

(B) THE TRADE ACT OF 1974, WHICH PRESCRIBES THAT THE PRESIDENT SHALL NOT DESIGNATE ANY COUNTRY AS A BENEFICIARY DEVELOPING COUNTRY FOR GENERAL TRADE PREFERENCES IF THAT COUNTRY IS A COMMUNIST COUNTRY, REQUIRED THAT LAOS BE REMOVED FROM THE GENERALIZED SYSTEM OF PREFERENCES (GSP) LIST AS WELL. IN THE CASE OF GSP, THE EXECUTIVE MUST GIVE CONGRESS AND THE LAO GOVERNMENT 60 DAYS NOTICE OF THIS DETERMINATION.
WE ARE TAKING STEPS TO CARRY OUT THESE MANDATORY PROVISIONS OF LAW AND, IN THE CASE OF GSP, YOU WILL RECEIVE SEPARATE SPECIFIC INSTRUCTIONS.

2. DEPARTMENT HAS ALSO DETERMINED, IN CONSIDERING A NUMBER OF DISCRETIONARY CONTROLS IN EFFECT FOR OTHER COMMUNIST COUNTRIES, THAT LAOS SHOULD BE PUT INTO THE 'GROUP Y' CATEGORY UNDER DEPARTMENT OF COMMERCE EXPORT ADMINISTRATION REGULATIONS. ALL COMMERCIAL EXPORTS OF STRATEGIC SIGNIFICANCE TO COUNTRUES IN THIS CATEGORY ARE SUBJECT TO INDIVIDUAL VALIDATED LICENSE AND CERTAIN RESTRICTIONS ARE PLACED ON AIRCRAFT CALLING AT LAO AIRPORTS. COUNTRIES IN THIS CATEGORY INCLUDE THE SOVIET UNION, MOST OF THE EASTERN EUROPEAN STATES AND THE PEOPLES REPUBLIC OF CHINA. LAOS HAD BEEN UNDER 'GROUP V' CONTROLS WHICH GOVERN EXPORTS TO FREE WORLD COUNTRIES IN THE EASTERN HEMISPHERE. VIET-NAM AND CAMBODIA ARE UNDER 'GROUP Z' CONTROLS, REQUIRING LICENSES ON ANY BUSINESS TRANSACTIONS. EMBASSY WILL BE PROVIDED FURTHER GUIDANCE ON DETAILS OF 'GROUP Y' EXPORT CONTROL STATUS.

3. OTHER DISCRETIONARY ACTIONS (COCOM CONTROLS, FOREIGN ASSETS CONTROLS AND TRAVEL CONTROLS) HAVE BEEN REVIEWED AND ARE NOT BEING APPLIED AT THIS TIME.

4. ABOVE FOR YOUR INFORMATION AT THIS POINT. STEPS NECESSARY TO INFORM LAO WILL BE SUBJECT OF LATER MESSAGE.
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